

Remarks

This Communication is in response to the Office Action dated **December 2, 2008**.

The Office Action rejected claims 38-41, 44, 46-49 and 51-55 under 35 USC § 103(a) over Imran (US Pat. No. 5,817,126) in view of Vonesh et al. (US Pat. No. 6,336,937) in further view of Hojeibane (US Pat. No. 5,911,732), and rejected claims 43, 45 and 50 under 35 USC § 103(a) over Imran in view of Vonesh and Hojeibane in further view of Klein (US Pat. No. 5,593,442).

Claims 38 and 46 have been amended for the sake of clarity.

Applicants request reconsideration in light of the comments, below.

Claims 38-41, 44, 46-49 and 51-55

The Office Action rejected claims 38-41, 44, 46-49 and 51-55 under 35 USC § 103(a) over Imran in view of Vonesh et al. in further view of Hojeibane.

A person having ordinary skill in the art would not substitute the spiral connector of Hojeibane with the combination of Imran/Vonesh as suggested in the Office Action.

Imran discloses “a cylindrically shaped expandable compound stent, including expandable stent segments at each end and an extended length expandable intermediate segment in the form of a braid of interlaced strands.” Column 2, lines 8-11. Imran further states, at column 5, lines 29-31, “[t]he completed intermediate segment [60] should contain a total of *at least 8 strands* [62, 64], more usually 12-20, up to as many as 24 strands or more for larger devices.”

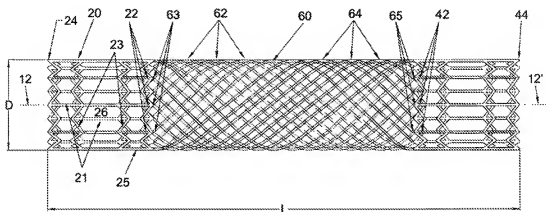
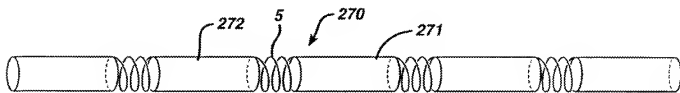


Fig. 1

Hojeibane discloses a “stent 270 ... [that] contains a spiral connector “S” between a series of cell type stents 271, 272.” Column 7, lines 34-36.

FIG. 3



The spiral connector of Hojeibane is ill-equipped to be substituted for the interlaced strands of Imran, as suggested in the Office Action. The spiral connector of Hojeibane, as shown above, consists of a single strand of wire which extends a relatively short distance along the longitude of the stent in relation to the cell type stents 271, 272, as is shown in Figure 3. A person having ordinary skill in the art would not substitute the relatively short spiral

connector of Hojeibane in place of a braid consisting of at least 8 strands because the spiral connector of Hojeibane would be expected to lack sufficient luminal support when incorporated into the stent of Imran.

Furthermore, as shown in Figure 1 of Imran, and characterized by the Office Action at page 2, paragraph 3, the braided intermediate segment is greater in length than either of the end segments. Thus, the Hojeibane connector would have to be lengthened for use in the Imran stent. There is no suggestion in Hojeibane to lengthen the connector so that it exceeds the length of the segments which it interconnects, thus establishing another ground for non-obviousness of the combination.

If, for the sake of argument only, the shorter spiral connector were lengthened and substituted for the longer braided intermediate segment with at least 8 strands of Imran, the lengthened spiral connector would, all the more so, be expected to lack the requisite strength of the braided intermediate segment of Imran. Therefore, a person having ordinary skill in the art would not be motivated to substitute the relatively shorter spiral connector of Hojeibane in place of a relatively longer braided intermediate segment of Imran. As such, independent claims 38 and 46 are patentable over the alleged combination of Imran, Vonesh, and Hojeibane.

Applicants further request reconsideration of dependent claims 39-41 and 44 which depend from claim 38 and claims 47-49 and 51-55 which depend from claim 46. Dependent claims 39-41, 44, 47-49 and 51-55 are patentable for at least the reasons discussed with respect to independent claims 38 and 46.

Claims 43, 45 and 50

The Office Action rejected claims 43, 45 and 50 under 35 USC § 103(a) over

Imran in view of Vonesh and Hojeibane in further view of Klein. The addition of any alleged teaching in Klein of using spring steel in stents does not remedy the failure of Imran in view of Vonesh and Hojeiband to teach or suggest the stent claimed in independent claims 38 and 46. Therefore, Applicants request reconsideration of claims 43, 45 and 50.

Conclusion

Based on at least the foregoing remarks, Applicants submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 38-41 and 43-55 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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